

### **REMARKS**

The present response supplements a response filed on June 19, 2009 to an Office Action mailed February 19, 2009. At the time the Office Action was mailed, claims 1-78 were pending. In the prior response filed June 19, 2009, claims 13, 24, 26, 27, 32, 41, 42, 46, 48, 52, 59-62, 64, 65, 71, 72, 74 and 78 were amended, and claims 38 and 49 were canceled, in an effort to expedite prosecution, without prejudice and without commenting on or conceding the merits of the outstanding claim rejections. In the present response, claims 13, 24, 26, 32, 41, 42, 46, 48, 52, 59-62, 64, 65, 67, 71 and 72 have been amended. Accordingly, claims 1-37, 39-48 and 50-78 are currently pending. Following is an explanation of the amendments made in this paper, as required by 37 C.F.R. § 1.173(c) and MPEP § 1543:

- Claim 13 has been amended to replace the phrase "neutral, undeflected position" with the phrase "neutral, undeflected, undeployed position." Applicants respectfully submit that the foregoing amendment is supported by, *inter alia*, Figures 6A and 6B, and column 4, lines 10-15 of U.S. Patent No. 6,293,497 (the "'497 Patent"), upon which this reissue application is based.
- Claim 13 has been further amended to replace all instance of the phrase "the wing" with "the at least one wing" to be consistent with the initial introduction of this phrase in the claim.
- Claim 24 has been amended to replace the phrase "the wing" with the phrase "the at least one wing" to be consistent with the previous introduction of this phrase in claim 13.
- Claim 26 has been amended to replace the phrase "the wing" with the phrase "the at least one wing" to be consistent with the previous introduction of this phrase in claim 13.
- Claim 32 has been amended to replace the phase "the wing" with the phrase "the at least one wing" to be consistent with the initial introduction of this phrase in claim 32.

- Claim 41 has been amended to replace all instances of the phrase "the wing" with the phrase "the at least one wing" to be consistent with the previous introduction of this phrase in claim 32.
- Claim 42 has been amended to add the phrase ", the forward and aft airfoil elements having a fixed angular relationship with each other when the second slot is open and when the second slot is closed" at the end of the claim.
- Claim 42 has been further amended to replace all instances of the phrase "the wing" with the phrase "the at least one wing" to be consistent with the initial introduction of this phrase in claim 42.
- Claim 46 has been amended to replace all instances of the phrase "the wing" with the phrase "the at least one wing" to be consistent with the previous introduction of this phrase in claim 42.
- Claim 48 has been amended to replace all instances of the phrase "the wing" with the phrase "the at least one wing" to be consistent with the previous introduction of this phrase in claim 42.
- Claim 52 has been amended to replace all instances of the phrase "the wing" with the phrase "the at least one wing" to be consistent with the previous introduction of this phrase in claim 52.
- Claim 59 has been amended to replace all instances of the phrase "the wing" with the phrase "the at least one wing" to be consistent with the previous introduction of this phrase in claim 52.
- Claim 60 has been further amended to replace all instances of the phrase "the wing" with the phrase "the at least one wing" to be consistent with the previous introduction of this phrase in claim 52.
- Claim 61 has been amended to replace all instances of the phrase "the wing" with the phrase "the at least one wing" to be consistent with the previous introduction of this phrase in claim 52.
- Claim 62 has been amended to add the phrase "an airfoil structure including" before the phrase "a trailing edge device carried by ...." Claim 62 has been further amended to replace the phrase "neutral, undeflected position" with the phrase "neutral, undeflected, undeployed position." Claim 62 has been further amended to replace all instances of the phrase "the wing" with the phrase "the at least one wing" to be consistent with the previous introduction of this phrase in claim 62.

- Claim 64 has been amended to replace all instance of the phrase "the wing" with the phrase "the at least one wing" to be consistent with the previous introduction of this phrase in claim 62.
- Claim 65 has been amended to replace the phrase "a wing" with the phrase "an aircraft wing." Claim 65 has been further amended to replace all instances of the phrase "the wing" with the phrase "the aircraft wing" to be consistent with the previous introduction of this phrase in claim 65.
- Claim 67 has been amended to replace the first instance of the phrase "forming at least a portion of" with the phrase "coupling a trailing edge device to." Claim 67 has been further amended to replace the second instance of "forming at least a portion of" with the phrase "coupling the trailing edge device to." Support for the foregoing amendments may be found, *inter alia*, at the Abstract and col. 8, line 19 – col. 9, line 8 of the '497 patent. Claim 67 has been further amended to replace the phrase "unswept wing" with the phrase "unswept aircraft wing" to be consistent with the previous use of the phrase "aircraft wing" in claim 65.
- Claim 71 has been amended to replace all instances of the phrase "the wing" with the phrase "the aircraft wing" to be consistent with the previous introduction of this phrase in claim 65.
- Claim 72 has been amended to replace all instances of the phrase "the wing" with the phrase "the aircraft wing" to be consistent with the previous introduction of this phrase in claim 72.

#### Application Status

The status of the above-captioned application at the time the present Office Action was mailed (February 19, 2009) is as follows:

(A) Claims 13-18, 23, 24, 26-37, 40-64 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,790,106 to Sweeney et al. ("Sweeney");

(B) Claims 13, 20-22, 25, 32, 38, 39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,362,659 to Razak ("Razak");

(C) Claims 65-78 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sweeney;

(D) Claims 13-41, 47, 48, 58, 59, 62-64, 70, 71, 77, 78 stand rejected under 35 U.S.C. § 112, first paragraph;

(E) Claims 14, 18, 19, 34, 35, 38, 64 stand rejected under 35 U.S.C. § 112, second paragraph;

(F) Claim 78 was objected to because of an informality;

(G) Claim 19 was indicated to be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, and to include all of the limitations of the base claim and any intervening claims; and

(H) Claims 1-12 are allowed.

#### Telephone Interview

The undersigned attorney would like to thank the Examiner for engaging in a telephone interview on May 11, 2011 to discuss the outstanding claim rejections and the applied art. During the telephone interview, the undersigned attorney and the Examiner discussed U.S. Patent No. 2,207,453 to Blume ("Blume"), the Whitcomb reference and amendments to independent claims 13, 42, 62 and 65, which are generally reflected in the foregoing list of pending claims. The Examiner provisionally indicated that the Section 102 and 103 rejections of claim 13 would be withdrawn in light of the foregoing amendments. The Examiner further indicated that the foregoing amendments patentably distinguish claim 13 over the Blume reference, alone or in combination with the other references cited in the present application. It was agreed that the Whitcomb reference fails to identify whether Figure 1 indicates a deployed or stowed trailing edge device. The Examiner also pointed out several claims for which the antecedent basis of

certain claim elements was unclear. These claims have been amended consistent with the Examiner's suggestions.

The foregoing and following remarks reflect the foregoing agreements reached during the telephone interviews. Accordingly, applicants respectfully request that this paper constitute applicants' Interview Summary. If the Examiner notices any deficiencies in this regard, he is encouraged to contact the undersigned attorney.

A. Response to the Section 103 Rejections of Claims 13-18, 23, 24, 26-37 and 40-64

Claim 13 has been amended in a manner consistent with the agreement reached with the Examiner during the May 11 telephone interview. Accordingly, the Section 103 rejection of claim 13 should be withdrawn. Claims 14-18, 23, 24, 26-31 depend from claim 13. Accordingly, the Section 103 rejections of these claims should be withdrawn for at least the foregoing reasons and for the additional features of these dependent claims.

Claim 42 has been amended in a manner consistent with the agreement reached with the Examiner during the May 11 telephone interview. Claim 42, as amended, patentably defines over the applied references for at least the reason that neither Blume nor Whitcomb disclose a slot having the arrangement of claim 42. Claims 43-48, 50 and 51 depend from claim 42 and accordingly, the Section 103 rejections of these claims should be withdrawn for at least the foregoing reasons and for the additional features of these dependent claims. Claim 49 was cancelled in a previous response and accordingly, the Section 103 of claim 49 is now moot.

Claim 62 has been amended to include features generally similar to those described above with reference to claim 13. Accordingly, the Section 103 rejection of claim 62 should be withdrawn for at least the foregoing reasons and for the additional features of these claims. Claims 63 and 64 depend from claim 62, and accordingly, the

Section 103 rejections of these claims should be withdrawn for at least the foregoing reasons and for the additional features of these claims.

B. Response to the Section 102 Rejections of Claims 13, 20-22, 25, 32, 38 and 39

Claims 13, 20-22, 25, 32, 38 and 39 were rejected under 35 U.S.C. § 102(b) as being anticipated by Razak. Independent claims 13 and 32 have been amended in a manner consistent with the agreement reached between the Examiner and the undersigned attorney during the above-referenced telephone interview and accordingly, the Section 102 rejections of these claims should be withdrawn. Each of claims 20-22, 25 and 39 depend from one of the foregoing independent claims and accordingly, the Section 102 rejections of these claims should be withdrawn for at least the foregoing reasons and for the additional features of these dependent claims. Claim 38 was cancelled in a prior response and accordingly, the Section 102 of claim 38 is now moot.

C. Response to the Rejections of Claims 65-78

Claim 65 has been amended to include features generally similar to those discussed above with reference to claim 13. Accordingly, for at least the foregoing reasons and for the additional features of this claim, the Section 103 rejection of claim 65 should be withdrawn. Claims 66-71 depend from claim 65 and accordingly, the Section 103 rejections of these claims should be withdrawn for at least the foregoing reasons and for the additional features of these dependent claims.

D. Response to the Section 112, First Paragraph Rejections

These rejections were addressed in the earlier response.

E. Response to the Section 112, Second Paragraph Rejections

These rejections were addressed in the earlier response.

F. Response to the Objection to Claim 78

This rejection was addressed in the earlier response.

G. Response to the Indication of Allowable Subject Matter

This rejection was addressed in the earlier response.

H. Response to the Indication that Claims 1-12 are Allowed

The undersigned attorney thanks the Examiner for his indication that claims 1-12 have been allowed. These claims have not been amended in this paper.

I. Additional claim amendments.

Claims 13, 24, 26, 32, 41, 42, 46, 48, 52, 59-62, 64, 65, 67, 71, and 72 have been amended to clarify the antecedent basis for certain elements in these claims, as suggested by the Examiner.

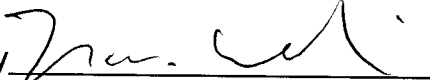
J. Conclusion

In light of the foregoing amendments and remarks, applicants respectfully submit that the pending application is now in condition for allowance. If the Examiner identifies any informalities or other matters that may be expediently handled by telephone, he is encouraged to contact the undersigned attorney at (206) 359-3257.

Please charge any deficiency in fees or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 030048094US from which the undersigned is authorized to draw.

Dated: June 1, 2011

Respectfully submitted,

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